IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 21628 of 1995

Between:

Smt. Ediga Yashodamma, W/o. Obuleshappa,
Kundurpi Village & Mandal, Anantapur District. **..... PETITIONER**

AND

1 The Mandal Revenue Officer,
Kundurpi, Anantapur.
2 The Revenue Divisional Officer,
Dharmavaram, Anantapur.
3 The Joint Collector,
Anantapur.
4 Pavurayi Sanjeevappa, S/o. Thimmappa,
Kundurpi Village & Mandal,

Anantapur District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order, or direction mostly one which is in the nature of Writ of mandamus declaring the proceedings D.Dis.(B)2420/94, dated 10-10-1994 of the 2nd respondent, R.Dis.No.995/94, dated 4-11-1994 of the 1st Respondent, L.Dis.A-8/3263/95, dated 24-4-1995 of the 3rd respondent as illegal, irregular, arbitrary, unjustified, unsustainable and unconstitutional and set aside the same directing the respondents to continue the petitioner to be in possession and enjoyment of an extent of 6 cents of site in survey No.257-1A, of Kundurpi Village and Mandal, Anantapur district.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR.T.BALI REDDY

The Court made the following :

ORDER:

The Writ Petitioner challenged the proceedings dated 10-10-1994 of the 2nd respondent, proceedings dated 4-11-1994 of the 1st respondent and also proceedings dated 24-4-1995 of the 3rd respondent.

It appears that there is a dispute between the petitioner and respondent No.4 over a piece of land and respondent No.4 was granted permission to make construction on it. The only proceeding, which has been placed before this Court is the proceeding, dated 4-11-1994, of the first respondent. The proceedings dated 10-10-1994 and 24-4-1994 have not been placed before this Court. In the affidavit itself, the writ petitioner had stated that respondent No.4 has no right on the disputed land and the petitioner has filed a suit being O.S.No.113 of 1981 before the District Munsif, Kalyandurg which was pending at the time of filing of the writ petition.

When a suit was already pending, I fail to understand why the writ petition was filed. But I am told at the bar by the learned counsel for the parties that the suit has also been dismissed. Since the matter was agitated by the petitioner in a suit, which has already been dismissed, therefore, the same grievance cannot be redressed now in this writ petition.

Writ petition is misconceived and is accordingly dismissed. No costs.

3rd February, 2005

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Copy to:

1 The Mandal Revenue Officer,
Kundurpi, Anantapur.
2 The Revenue Divisional Officer,
Dharmavaram, Anantapur.
3 The Joint Collector,
Anantapur.
4 Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5 Two CD copies.